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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,533	11/05/2003	Gyora Mihaly Pal Benedek	3069/1	6033

7590

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Discovery Dispatch

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EXAMINER

CEGIELNIK, URSZULA M

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,533	BENEDEK ET AL.	
	Examiner	Art Unit	
	Urszula M. Cegielnik	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-45 is/are rejected.
- 7) ☒ Claim(s) 46-64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Emilsson.

Emilsson discloses a rotatable body (yo-yo); a rotation data measuring means (*induction coil*) deployed inside the rotatable body (*see Figure 3, for example*); the rotation data measuring means (*induction coil*) configured to produce a substantially sinusoidal signal (*the induction coil inherently is capable of having a sinusoidal signal*) having a frequency related to rotation of the rotatable body (col. 2, lines 16-19); a control unit configured to received data relating to rotation of the rotatable body from the rotation data measuring means (*i.e. induction coil*); and a signal-amplifying means (*i.e. operational amplifier*, col. lines 18-26) configured to input the substantially sinusoidal signal (*the induction coil inherently is capable of having a sinusoidal signal*) from the rotation data measuring means (*i.e. induction coil*) to amplify the substantially sinusoidal signal so as to convert the substantially sinusoidal signal to a substantially rectangular wave signal (*the operational amplifier is inherently capable of converting a sinusoidal signal to a rectangular wave signal*) having a frequency substantially identical to the frequency of the substantially sinusoidal signal, and to output the substantially

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rectangular wave signal to the control unit; the rotatable body is a yo-yo (col. 1, line 62); the rotation data means (i.e. induction coil) comprising a means for detecting the magnetic field of the Earth (col. 2, lines 46-56), the control unit is configured to determine a true direction for the data received from the rotation means; the rotation data measuring means comprises an induction coil (col. 2, lines 46-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emilsson in view of Nelson.

Emilsson discloses the claimed invention except for a wireless data receiving means configured to receive data from a remote location and pass the data to the control unit.

Nelson discloses a rotatable body with a wireless data receiving means (*radio signal detector 40*) which is configured to receive data (*radio signals*) from a remote location and passing the data to the control unit (col. 3, lines 49-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a wireless data receiving means as taught by Nelson, since Nelson states at col. 3, lines 22-24, that such a modification would allow the

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capability of sending a signal or triggering a signal in a spinning toy without physically contacting the spinning toy.

Remarks

Claims 46-64 would be allowable if the following matters are resolved:

Applicant appears to be reciting means plus function language. However, in order to invoke 112, 6th paragraph, Applicant must present the claims using the proper format for means plus function language (see *MPEP* Section 2181).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM - 2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 571-272-4419.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.

Urszula M. Cegielnik
Assistant Examiner
Art Unit 3714



**DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**